IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 30612 of 2006(T)

PETITIONER:

P.HAMSA, S/O.P.POCKER HAJI,
ELAVANCHALIL HOUSE, CHENDAKKUNI,
MEENANGADI, WAYANAD.

BY ADV. SRI.BOBBY JOHN
SRI.P.N.DAMODARAN NAMBOODIRI

RESPONDENTS:

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1. SULTHAN BATHERI CO-OPERATIVE URBAN BANK LTD., MEENANGADI BRANCH, REP. BY ITS BRANCH MANAGER.

2. THE SALE OFFICER/INSPECTOR OF CO-OPERATIVE SOCIETIES, SULTHAN BATHERI CO-OPERATIVE URBAN BANK LTD., SULTHAN BATHERI, WAYANAD DISTRICT.

BY ADV. DEVAPRASANTH FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C). 30612/2006

Dated this 21st day of November, 2006

JUDGMENT

The writ petitioner is before this Court challenging Ext.P1 notice through which, the respondents took possession of 99 cents of the property, comprised in re-survey No.376/5, block No.21 of Purakkadi Amsom, as the writ petitioner failed to pay the due amount of Rs.8,80,613/-. The learned counsel for the writ petitioner, however, submitted that the petitioner is prepared to settle the entire dues with the respondents, if some time is given for making the payment.

2. After hearing both sides and considering the facts involved in this case, I direct the writ petitioner to remit an amount of Rs.1,00,000/- within two months from today, and the balance amount due to the respondents, through six equal monthly instalments. The first instalment shall be paid within one month from the date of payment of Rs.1,00,000/- as ordered above, and the

subsequent instalments shall be without any default, on the due date of the succeeding month.

3. In case of any default in making payments of the amounts as directed above, the arrangement of instalments and the benefit, thus conferred, will forfeit and the respondents 1 and 2 are at liberty to proceed against the writ petitioner, according to the law.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs